

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

MARK F. BROEG,

No. 2:17-cv-00184-SU

Plaintiff,

OPINION AND ORDER

v.

**JIM PUCKETT and OCHOCO
MINT GROWERS, INC.,**

Defendants.

MOSMAN, J.,

On July 12, 2017, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (“F&R”) [18], recommending that I GRANT Defendants’ Motion to Dismiss for Lack of Jurisdiction [8]. She also recommended that I DENY Plaintiff’s Motion for Appointment of Counsel [9]. Neither party objected to the F&R.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendations as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal

conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny with which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon careful review, I agree with Judge Sullivan's recommendation and ADOPT the F&R [18] as my own opinion. Plaintiff's Motion for Appointment of Counsel [9] is DENIED, Defendants' Motion to Dismiss [8] is GRANTED, and this case is DISMISSED without prejudice.

IT IS SO ORDERED.

DATED this 3rd day of August, 2017.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge